



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 300  
DENVER, COLORADO 80202-2466

March 24, 2003

Ref: 8ENF-T

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Jack Long, Director  
North Dakota Department of Health  
Environmental Health Section  
Division of Municipal Facilities  
1200 Missouri Avenue  
P.O. Box 5520  
Bismarck, North Dakota 58506-5520

NOTICE OF VIOLATION  
Docket No. **SDWA-08-2003-0008**

Re: Peaceful Valley  
Wells County, ND  
PWS# ND5201461

Dear Mr. Long:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f, et seq. and the National Primary Drinking Water Regulations at 40 CFR Part 141. The violations consist of one exceedance of the maximum contaminant level (MCL) for total coliform bacteria, twelve failure to monitor total coliform bacteria violations, failure to post and send a copy of public notice to the North Dakota Department of Health (NDDH) and failure to notify the State of these violations. Our records, obtained from the NDDH and SDWIS-Fed indicate the violations noted below. Please notify Kathelene Brainich of my staff at (303) 312-6481 within 20 days if your records show any discrepancies with these determinations of violation.

Date of  
Violation

Violation

August 2002	Exceeded bacteriological MCL. (40 CFR §141.63(a)(2))
10/00, 11/00, 1/01, 6/01 11/01, 1/02, 2/02, 3/02 4/02, 5/02, 9/02, 1/03	Failure to monitor for total coliform bacteria. (40 CFR §141.21)
2000-2002	Failure to provide public notice for the above violations. (40 CFR §141.201)



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Date of  
Violation

Violation

2000-2002	Failure to notify the State of violations of the Total Coliform Rule. (40 CFR §141.21(g)(2))
2000-2002	Failure to notify the State of violations of the National Primary Drinking Water Regulations. (40 CFR § 141.31(b))

This NOTICE OF VIOLATION is issued pursuant to Section 1414(a) of the SDWA, 42 U.S.C. § 300g-3(a). If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, the Environmental Protection Agency (EPA) is authorized either to issue an Administrative Order under Section 1414(g) requiring the public water system to comply with the regulations or requirements, or to commence civil action under Section 1414(b).

Please inform EPA of any change in the compliance status of this system. You may wish to confer with my staff to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with issuance of an administrative order. The technical contact for this case is Olive Hofstader.

A copy of this NOTICE OF VIOLATION has been concurrently sent to the system identified above. Also enclosed for the benefit of the Respondent is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) fact sheet containing information on compliance assistance resources and tools available to small businesses. EPA has agreed to notify small businesses of their right to comment on regulatory enforcement activities at the same time of an Agency enforcement action. SBREFA does not eliminate a Respondent's responsibility to comply with the Act, nor does it create any new defenses under the law.

Sincerely,

**SIGNED**

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure

cc: Jeff Hauge, Assistant Director  
Larry Thelen, Drinking Water Program Manager  
Duane Bauerle, PWS manager



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**IF YOU WOULD LIKE COPIES OF THE ATTACHMENTS PLEASE CONTACT THE  
REGIONAL HEARING CLERK.**

**THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON MARCH 24, 2003.**

